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EXAMINER

MOORE, JAMES K

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

4

## Office Action Summary

Application No.

09/767,461

Applicant(s)

BLOEBAUM ET AL.

Examiner

James K Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-16, 18-26, 28-30, 32-36, 38-50, 52-54 and 56-68 is/are rejected.
- 7) ☒ Claim(s) 13, 17, 27, 31, 37, 51, 55, 59, 65 and 69 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Objections***

1. Claim 1 is objected to because of the following informalities: in line 4, "device" should be changed to "devices". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 21, 24, 25 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites the limitation "said profile information". There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "said list of mobile communications devices." There is insufficient antecedent basis for this limitation in the claim.

Claim 43 recites the limitation "said location aiding information." There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6, 39 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Hatano et al. (U.S. Patent No. 5,355,511).

Regarding claim 1, Hatano discloses a communications network comprising a plurality of mobile communications devices (14, 14A) able to transmit and receive application-related data (latitude and longitude information). One of the mobile communication devices (14A) can provide the application-related data to one of the other mobile communications devices (14) via the communications network. See Figure 1 and col. 4, line 40 – col. 5, line 14.

Regarding claim 2, Hatano discloses all of the limitations of claim 1, and also discloses that the mobile communications devices are equipped with GPS receivers and that the application-related data is GPS-related information. See col. 2, line 57 – col. 3, line 29.

Regarding claim 3, Hatano discloses all of the limitations of claim 2, and also discloses that the GPS-related information is position information. See col. 2, line 57 – col. 3, line 29.

Regarding claim 4, Hatano discloses all of the limitations of claim 2, and also discloses that the GPS-related information is location aiding information.

See col. 4, line 40 – col. 5, line 14.

Regarding claim 6, Hatano discloses all of the limitations of claim 1, and also discloses that a mobile communications device can request information (location information) from other mobile communications devices. See col. 4, line 40 – col. 5, line 14.

Regarding claim 39, Hatano discloses a system for exchanging application-related data (latitude and longitude information). The system comprises a communications network and a plurality of mobile communications devices connected to the network. The mobile communications devices can send the application-related data to other mobile communications devices via the communications network. See Figure 1 and col. 4, line 40 – col. 5, line 14.

Regarding claim 44, Hatano discloses all of the limitations of claim 39, and also discloses that a mobile communications device can request information from other mobile communications devices. See col. 4, line 40 – col. 5, line 14.

6. Claims 1, 2, 4, 5, 39, 40 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Pande et al. (U.S. Patent No. 6,389,291).

Regarding claim 1, Pande discloses a communications network comprising a plurality of mobile communications devices (wireless handsets 104) able to transmit and receive application-related data (ephemeris and network time information). One of the mobile communications devices can provide the

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application-related data to other mobile communications devices via the communications network. See col. 4, lines 31-36 and col. 11, lines 26-33.

Regarding claim 2, Pande discloses all of the limitations of claim 1, and also discloses that the mobile communications devices are equipped with GPS receivers and the application-related data is GPS-related information. See col. 4, lines 31-36 and col. 11, lines 26-33.

Regarding claim 4, Pande discloses all of the limitations of claim 2, and also discloses that the GPS-related information is location aiding information. See col. 11, lines 26-33.

Regarding claim 5, Pande discloses all of the limitations of claim 4, and also discloses that the location aiding information can be used by the mobile communications devices to compute a reference location (of a GPS satellite). See col. 11, lines 26-33.

Regarding claim 39, Pande discloses a system for exchanging application-related data (ephemeris and network time information). The system comprises a communications network and a plurality of mobile communications devices connected to the network. The mobile communications devices can send the application-related data to other mobile communications devices via the communications network. See col. 4, lines 31-36 and col. 11, lines 26-33.

Regarding claim 40, Pande discloses all of the limitations of claim 39, and also discloses that the mobile communications devices are equipped with GPS receivers and the application-related data is GPS-related information. See col. 4, lines 31-36 and col. 11, lines 26-33.

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Regarding claim 43, Pande discloses all of the limitations of claim 40, and also discloses that the location aiding information can be used by the mobile communications devices to compute a reference location (of a GPS satellite). See col. 11, lines 26-33.

7. Claims 1, 7-10, 12, 14-16, 18-20, 39, 45, 46-50, 52-54, 56-58 and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Phillips (U.S. Patent No. 6,748,195).

Regarding claim 1, Phillips discloses a communications network comprising a plurality of mobile communications devices able to transmit and receive application-related data. One of the mobile communications devices can provide the application-related data to other mobile communications devices via the communications network. See col. 2, line 50 – col. 3, line 9.

Regarding claim 7, Phillips discloses all of the limitations of claim 1, and also discloses that two or more of the mobile communications devices can form groups. See col. 5, lines 35-47.

Regarding claim 8, Phillips discloses all of the limitations of claim 7, and also discloses that the groups can be hierarchical (e.g., home devices communicate at a lower security level than office devices). See col. 6, line 49 – col. 7, line 18.

Regarding claim 9, Phillips discloses all of the limitations of claim 7, and also discloses that the groups can be ad hoc. See col. 1, lines 12-30.

Regarding claim 10, Phillips discloses all of the limitations of claim 9, and also discloses that the formation of groups may be initiated by an application running on the mobile communications device. See col. 6, line 49 – col. 7, line 17.

Regarding claim 12, Phillips discloses all of the limitations of claim 8, and also discloses that a mobile communications device may decide to share or not share data with other mobile communications devices based on membership in a group. See col. 7, lines 3-18.

Regarding claim 14, Phillips discloses all of the limitations of claim 10, and also discloses that the group membership for a particular mobile communications device is controlled by a profile set up by a user of the mobile communications device. See col. 6, line 49 – col. 7, line 17.

Regarding claim 15, Phillips discloses all of the limitations of claim 14, and also discloses that the profile contains information regarding which requests for application-related data can be fulfilled by the mobile communications device. See col. 5, lines 48-65 and col. 7, lines 3-17.

Regarding claim 16, Phillips discloses all of the limitations of claim 14, and also discloses that the profile contains information regarding which groups (e.g., home group, office group) may be joined by a mobile communications device. See col. 6, line 49 – col. 7, line 17.

Regarding claim 18, Phillips discloses all of the limitations of claim 12, and also discloses that the sharing of the data may be automatic. See col. 2, line 64 – col. 3, line 18.



Regarding claim 19, Phillips discloses all of the limitations of claim 18, and also discloses that the sharing of data occurs without action by a user of the mobile communications device. See col. 2, line 64 – col. 3, line 18.

Regarding claim 20, Phillips discloses all of the limitations of claim 14, and also discloses that the mobile communication devices can be used for voice communications. See col. 1, lines 13-31. Furthermore, there is no suggestion that the application-related data cannot be shared between mobile communications devices when they are being used for voice communication.

Regarding claim 39, Phillips discloses a system for exchanging application-related data. The system comprises a communications network and a plurality of mobile communications devices connected to the network. One of the mobile communications devices can send the application-related data to other mobile communications devices via the communications network. See col. 2, line 50 – col. 3, line 9.

Regarding claim 45, Phillips discloses all of the limitations of claim 39, and also discloses that two or more of the mobile communications devices can form groups. See col. 5, lines 35-47.

Regarding claim 46, Phillips discloses all of the limitations of claim 45, and also discloses that the groups can be hierarchical (e.g., home devices communicate at a lower security level than office devices). See col. 6, line 49 – col. 7, line 18.

Regarding claim 47, Phillips discloses all of the limitations of claim 45, and also discloses that the groups can be ad hoc. See col. 1, lines 12-30.

Regarding claim 48, Phillips discloses all of the limitations of claim 47, and also discloses that the formation of groups may be initiated by an application running on the mobile communications device. See col. 6, line 49 – col. 7, line 17.

Regarding claim 49, Phillips discloses all of the limitations of claim 6, and also discloses that groups may be formed to control the sharing of information between the mobile communications devices. See col. 6, line 49 – col. 7, line 17.

Regarding claim 50, Phillips discloses all of the limitations of claim 46, and also discloses that a mobile communications device may decide to share or not share data with other mobile communications devices based on membership in a group. See col. 7, lines 3-18.

Regarding claim 52, Phillips discloses all of the limitations of claim 49, and also discloses that the group membership for a particular mobile communications device is controlled by a profile set up by a user of the mobile communications device. See col. 6, line 49 – col. 7, line 17.

Regarding claim 53, Phillips discloses all of the limitations of claim 52, and also discloses that the profile contains information regarding which requests for application-related data can be fulfilled by the mobile communications device. See col. 5, lines 48-65 and col. 7, lines 3-17.

Regarding claim 54, Phillips discloses all of the limitations of claim 52, and also discloses that the profile contains information regarding which groups (e.g., home group, office group) may be joined by a mobile communications device. See col. 6, line 49 – col. 7, line 17.

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Regarding claim 56, Phillips discloses all of the limitations of claim 50, and also discloses that the sharing of the data may be automatic. See col. 2, line 64 – col. 3, line 18.

Regarding claim 57, Phillips discloses all of the limitations of claim 56, and also discloses that the sharing of data occurs without action by a user of the mobile communications device. See col. 2, line 64 – col. 3, line 18.

Regarding claim 58, Phillips discloses all of the limitations of claim 52, and also discloses that the mobile communication devices can be used for voice communications. See col. 1, lines 13-31. Furthermore, there is no suggestion that the application-related data cannot be shared between mobile communications devices when they are being used for voice communication.

8. Claims 1, 7, 9, 10, 14, 22, 32, 34-36, 38, 39, 45, 46, 49, 52 and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Traversat et al. (U.S. Patent Application Publication No. 2002/0143855).

Regarding claim 1, Traversat discloses a communications network comprising a plurality of mobile communications devices (peer devices) able to transmit and receive application-related data. One of the mobile communications devices can provide the application-related data to other mobile communications device via the communications network. See page 5, paragraphs 75 and 76.

Regarding claim 7, Traversat discloses all of the limitations of claim 1, and also discloses that two or more of the mobile communications devices can form groups. See page 5, paragraph 76.

Regarding claim 9, Traversat discloses all of the limitations of claim 7, and also discloses that the formation of the groups can be ad hoc. See page 5, paragraph 76.

Regarding claim 10, Traversat discloses all of the limitations of claim 9, and also discloses that the formation of groups may be initiated by an application running on the mobile communications device. See page 5, paragraph 76.

Regarding claim 14, Traversat discloses all of the limitations of claim 10, and also discloses that group membership for a particular mobile communications device is controlled by a profile (a membership policy) set up by a user of the mobile communications device. See page 10, paragraph 116.

Regarding claim 22, Traversat discloses all of the limitations of claim 14, and also discloses that one mobile communications device in a group can be responsible for determining whether or not to admit other mobile communications devices to the group. See page 10, paragraph 117.

Regarding claim 32, Traversat discloses a method of exchanging application-related data between applications running on mobile communications devices connected to a communications network. See page 5, paragraphs 75 and 76. The method comprises transmitting the data from a source mobile communications device (peer device) to a first node (intermediary peer) within the communications network, determining which nodes in the communications network destination mobile communications devices are connected to, transmitting the data from the first node, if necessary, to other intermediary nodes having the destination mobile communications devices connected thereto,

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and transmitting the data from the other nodes to the destination mobile communications devices. See page 10, paragraph 110.

Regarding claim 34, Traversat discloses all of the limitations of claim 32, and also discloses that the method comprises having two or more mobile communications devices form groups. See page 5, paragraph 76.

Regarding claim 35, Traversat discloses all of the limitations of claim 34, and also discloses that the method comprises determining whether to send the data to or receive the data from another mobile communications device based on group membership. See page 5, paragraph 76.

Regarding claim 36, Traversat discloses all of the limitations of claim 35, and also discloses that the method comprises establishing criteria for membership of mobile communications devices within the group. See page 10, paragraph 116.

Regarding claim 38, Traversat discloses all of the limitations of claim 36, and also discloses that the method comprises assigning one mobile communications device within the group to be responsible for determining if proposed new members meet the established membership criteria. See page 10, paragraph 117.

Regarding claim 39, Traversat discloses a system for exchanging application-related data. The system comprises a communications network and a plurality of mobile communications devices (peer devices) connected to the network. The mobile communications devices can send the application-related

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data to other mobile communications device via the communications network.

See page 5, paragraphs 75 and 76.

Regarding claim 45, Traversat discloses all of the limitations of claim 39, and also discloses that two or more of the mobile communications devices can form groups. See page 5, paragraph 76.

Regarding claim 46, Traversat discloses all of the limitations of claim 45, and also discloses that the groups can be hierarchical. See page 23, paragraph 289.

Regarding claim 49, Traversat discloses all of the limitations of claim 46, and also discloses that the groups may be formed to control the sharing of information between the mobile communications devices. See page 5, paragraph 76.

Regarding claim 52, Traversat discloses all of the limitations of claim 49, and also discloses that group membership for a particular mobile communications device is controlled by a profile (a membership policy) set up by a user of the mobile communications device. See page 10, paragraph 116.

Regarding claim 60, Traversat discloses all of the limitations of claim 52, and also discloses that one mobile communications device in a group can be responsible for determining whether or not to admit other mobile communications devices to the group. See page 10, paragraph 117.

9. Claims 1, 7, 23, 24, 39 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Jenkins et al. (U.S. Patent No. 6,377,793).

Regarding claim 1, Jenkins discloses a communications network comprising a plurality of mobile communications devices able to transmit and receive application-related data (text messages). One of the mobile communications devices can provide the application-related data to other mobile communications devices via the communications network. See col. 9, lines 17-55; col. 12, line 55 – col. 13, line 36; and col. 13, line 56 – col. 14, line 3.

Regarding claim 7, Jenkins discloses all of the limitations of claim 1, and also discloses that two or more mobile communications devices can form groups (affinity groups). See col. 12, line 55 – col. 13, line 36.

Regarding claim 23, Jenkins discloses all of the limitations of claim 7, and also discloses that the formation of groups may be facilitated by a server located with the communications network. See col. 13, lines 37-55.

Regarding claim 24, Jenkins discloses all of the limitations of claim 23, and also discloses that a list of mobile communications devices in any group is maintained by the server. See col. 13, lines 37-55.

Regarding claim 39, Jenkins discloses a system for exchanging application-related data (text messages). The system comprises a communications network and a plurality of mobile communications devices connected to the network. The mobile communications devices can send the application-related data to other mobile communications devices via the communications network. See col. 9, lines 17-55; col. 12, line 55 – col. 13, line 36; and col. 13, line 56 – col. 14, line 3.

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Regarding claim 45, Jenkins discloses all of the limitations of claim 39, and also discloses that two or more mobile communications devices can form groups (affinity groups). See col. 12, line 55 – col. 13, line 36.

10. Claims 1, 7, 28-30, 39, 45, 46 and 66-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Dunko et al. (U.S. Patent No. 6,553,236).

Regarding claim 1, Dunko discloses a communications network comprising a plurality of mobile communications devices able to transmit and receive application-related data (location). One of the mobile communications devices can provide the application-related data to other mobile communications devices via the communications network. See col. 8, line 64 – col. 9, line 60.

Regarding claim 7, Dunko discloses all of the limitations of claim 1, and also discloses that two or more of the mobile communications devices can form groups (affinity groups). See col. 8, line 64 – col. 9, line 60.

Regarding claim 28, Dunko discloses all of the limitations of claim 7, and also discloses that the application-related data may be collected from a source (a GPS satellite) external to the communications network. See col. 6, lines 20-34.

Regarding claim 29, Dunko discloses all of the limitations of claim 28, and also discloses that a single mobile communications device can be assigned to retrieve the data from the external source and to share the data with other members of the group. See col. 8, line 64 – col. 9, line 60.



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Regarding claim 30, Dunko discloses all of the limitations of claim 29, and also discloses that the collection of data from the external source may be performed periodically. See col. 7, line 66 – col. 8, line 18.

Regarding claim 39, Dunko discloses a system for exchanging application-related data (location). The system comprises a communications network and a plurality of mobile communications device connected to the network. The mobile communications devices can send the application-related data to other mobile communications devices via the communications network. See col. 8, line 64 – col. 9, line 60.

Regarding claim 45, Dunko discloses all of the limitations of claim 39, and also discloses that two or more of the mobile communications devices can form groups (affinity groups). See col. 8, line 64 – col. 9, line 60.

Regarding claim 46, Dunko discloses all of the limitations of claim 45, and also discloses that the groups can be hierarchical. See col. 8, lines 19-63.

Regarding claim 66, Dunko discloses all of the limitations of claim 46, and also discloses that the application-related data may be collected from a source (a GPS satellite) external to the communications network. See col. 6, lines 20-34.

Regarding claim 67, Dunko discloses all of the limitations of claim 66, and also discloses that a single mobile communications device can be assigned to retrieve the data from the external source and to share the data with other members of the group. See col. 8, line 64 – col. 9, line 60.

Regarding claim 68, Dunko discloses all of the limitations of claim 67, and also discloses that the collection of data from the external source may be performed periodically. See col. 7, line 66 – col. 8, line 18.

11. Claims 32-35 and 39-42 are rejected under 35 U.S.C. 102(a) as being anticipated by Hall et al. (U.S. Patent No. 6,032,051).

Regarding claim 32, Hall discloses a method of exchanging application-related data (location data) between applications running on mobile communications devices connected to a communication network. See col. 3, lines 30-44, and col. 3, line 61 – col. 4, line 24. The method comprises transmitting the data from a source mobile communications device to a first node (base station 17) within the communication network. The method also inherently comprises determining which nodes (base stations) in the communications network destination mobile communications devices are connected to, transmitting the data from the first node, if necessary, to other nodes having the destination mobile communications devices connected thereto, and transmitting the data from the other nodes to the destination mobile communications devices. See Figure 1 and col. 1, lines 11-18.

Regarding claim 33, Hall discloses all of the limitations of claim 32, and also discloses that the mobile communications devices are equipped with GPS receivers and the data includes GPS-related information. See col. 4, lines 8-24.

Regarding claim 34, Hall discloses all of the limitations of claim 32, and also discloses that the method comprises having two or more of the mobile communications devices form groups. See col. 1, lines 38-52.

Regarding claim 35, Hall discloses all of the limitations of claim 34, and also discloses that the method comprises determining whether to send the data to another mobile communications device based on group membership. See col. 3, lines 4-24.

Regarding claim 39, Hall discloses a system for exchanging application-related data. The system comprises a communications network and a plurality of mobile communications devices connected to the network. The mobile communications devices can send the application-related data to other mobile communications devices via the communications network. See col. 3, lines 30-44, and col. 3, line 61 – col. 4, line 24.

Regarding claim 40, Hall discloses all of the limitations of claim 39, and also discloses that the mobile communications devices are equipped with GPS receivers and the application-related data is GPS-related information. See col. 4, lines 8-24.

Regarding claim 41, Hall discloses all of the limitations of claim 40, and also discloses that the GPS-related information is position information. See col. 4, lines 8-24.

Regarding claim 42, Hall discloses all of the limitations of claim 40, and also discloses that the GPS-related information is location aiding information. See col. 4, lines 8-24.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 7, 8, 11, 26, 45, 46, 49 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatano et al. in view of Grube et al. (U.S. Patent No. 5,473,605).

Regarding claims 7, 8, 45 and 46, Hatano discloses all of the limitations of claims 1 and 39, but does not disclose that two or more of the mobile communications devices can form hierarchical groups. However, Grube teaches that mobile communications devices can form groups, which may be arranged in a hierarchical fashion, in order to allow users with similar functions or goals to immediately communicate with one another. See col. 1, lines 12-48. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hatano with Grube, such that two or more of the mobile communications devices can form hierarchical groups, in order to allow users with similar functions or goals to immediately communicate with each other.

Regarding claims 11 and 49, Hatano in view of Grube teaches all of the limitations of claims 8 and 46, and Grube also discloses that the groups are

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formed to control the sharing of information between the mobile communications devices. See col. 1, lines 33-48.

Regarding claims 26 and 64, Hatano in view of Grube teaches all of the limitations of claims 7 and 46, and Grube also discloses that the mobile communications devices can form subgroups within the groups. See col. 1, lines 33-49.

14. Claims 25 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins et al. in view of Dunko et al. (U.S. Patent No. 6,553,236).

Regarding claims 25 and 63, Jenkins discloses all of the limitations of claim 24 and 62, and also discloses that the server may maintain a list of group members. See col. 13, lines 37-55. Jenkins does not disclose that the group members are able to fulfill requests for specific application-related data. However, Dunko discloses a communications network comprising groups of mobile communications devices (affinity groups) in which the group members are able to fulfill requests for specific application-related data (member location). See Abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jenkins with Dunko, such that the group members are able to fulfill requests for member locations, so that each member may learn the location of any other member when needed.

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15. Claims 46, 61 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins in view of Grube et al.

Regarding claim 46, Jenkins discloses all of the limitations of claim 45, but does not disclose that the groups can be hierarchical. However, Grube teaches that mobile communications devices can form hierarchical groups, in order to allow users within a group with similar functions or goals to immediately communicate with one another. See col. 1, lines 12-48. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jenkins with Grube, such the groups can be hierarchical, in order to allow users with similar functions or goals within the groups to form subgroups so that they can immediately communicate with each other.

Regarding claim 61, Jenkins in view of Grube teaches all of the limitations of claim 46, and Jenkins also discloses that the formation of groups may be facilitated by a server located with the communications network. See col. 13, lines 37-55.

Regarding claim 62, Jenkins in view of Grube teaches all of the limitations of claim 61, and Jenkins also discloses that a list of mobile communications devices in any group is maintained by the server. See col. 13, lines 37-55.

16. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins in view of Grube et al. as applied to claim 62 above, and further in view of Dunko et al.

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Regarding claim 63, Jenkins in view of Grube teaches all of the limitations of claim 62, and Jenkins also discloses that the server may maintain a list of group members. See col. 13, lines 37-55. Jenkins in view of Grube does not teach that the group members are able to fulfill requests for specific application-related data. However, Dunko discloses a communications network comprising groups of mobile communications devices (affinity groups) in which the group members are able to fulfill requests for specific application-related data (member location). See Abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the combination of Jenkins and Grube with Dunko, such that the group members are able to fulfill requests for member locations, so that each member may learn the location of any other member when needed.

### ***Allowable Subject Matter***

17. Claims 13, 17, 27, 31, 37, 51, 55, 59, 65 and 69 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703)

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308-6042. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached at (703) 305-4379.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ken Moore

6/21/04

*JKM*

*Charles Appiah*  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**